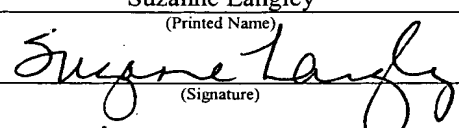




Atty. Dkt. No. 035706-0106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Williams et al.
Title: NAIL POLISH APPLICATOR
Appl. No.: 10/662,958
Filing Date: 9/15/2003
Examiner: Christopher S. Kim
Art Unit: 3752

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. Suzanne Langley (Printed Name)  (Signature) 03/11/05 (Date of Deposit)
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TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[X] Small Entity status under 37 CFR § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	37	-	37	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	2	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$0.00

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

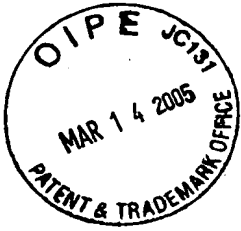
Respectfully submitted,

Date March 11, 2005

By Todd A. Rathe

FOLEY & LARDNER LLP
 Customer Number: 26371
 Telephone: (414) 297-5710
 Facsimile: (414) 297-4900

Todd A. Rathe
 Attorney for Applicant
 Registration No. 38,276



Ifw

Atty. Dkt. No. 035706-0106

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated 2/11/05, in which a species restriction requirement was imposed upon the present application. In particular, the Office Action asserted that the claims are directed to the following patently distinct species: A. Figure 5 and B) Figure 6. In response, Applicants hereby elect species A, Figure 5. As noted in the brief description of the drawings, Figure 5 is a sectional view schematically illustrating a first example of a container and a valve assembly of the applicator of Figure 1. Claims 1-26 and 28-37 are readable upon species A, Figure 5.

The Office Action indicated that Claims 1 and 37 are generic. However, Applicants respectfully point out that Figure 6 is a sectional view schematically illustrating a second example of the container and valve assembly of the applicator of Figure 1. Accordingly, Claims 1-21, 24-26 and 28-37 are generic.

Applicants respectfully request reconsideration and allowance of Claims 1-26 and 28-37. Upon allowance of generic Claims 1 or 21, Applicants respectfully request reinstatement of Claim 27, which depends from base Claim 1 and intervening Claim 21.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 CFR § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date March 11, 2005

By Todd A. Rathe

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5710
Facsimile: (414) 297-4900

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276